

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1017

Introduced by Assembly Member Goldberg

February 20, 2003

~~An act to amend Sections 59002.5, 59003, 59006, 59030.5, 59102.5, and 59300 of, and to add Sections 59001.2, 59001.4, 59002.7, 59015, and 59046 to, the Education Code, relating to special schools. An act to add Sections 56064, 59001.2, 59001.4, 59009, 59010, 59011, and 59012 to, and to add Article 5 (commencing with Section 56070) to Chapter 1 of Part 30 of, the Education Code, relating to teachers.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1017, as amended, Goldberg. ~~State special schools Teachers:~~ hiring preferences: instructing deaf pupils.

Existing law provides that all individuals with exceptional needs have a right to participate in free appropriate public education. Existing law also establishes the California School for the Deaf as part of the public school system.

This bill, commencing with the 2004–05 school year, would set forth hiring criteria for purposes of hiring an individual as a certificated employee to instruct deaf pupils at public schools or at the California School for the Deaf. The bill would establish a hiring preference for certificated individuals who achieve a minimum score of 4 on the American Sign Language Proficiency Index (ASLPI) or an equivalent score on the Sign Communication Proficiency Interview (SCPI) or on an alternate test, as specified. The bill would prohibit a individual from being hired as a certificated employee to instruct deaf pupils, unless the

individual achieves a specified minimum score on one of those assessments. The bill would also establish hiring preferences, based on scores received on those assessments, for substitute teachers who are hired to instruct deaf pupils.

The bill would require a certificated employee who instructs deaf pupils and who has not achieved a minimum score of 4 on the ASLPI or an equivalent score on the SCPI or the alternate test to retake the assessments every three years as specified. The bill would require the employer to reimburse a certificated employee for the assessment fee if the employee receives a minimum score of 4 on the ASLPI or an equivalent score on the SCPI or the alternate test. By imposing new duties on school districts, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law establishes the California School for the Deaf and the California School for the Blind, known as the state special schools. Existing law requires that pupils be maintained at the expense of the state, except that the school district of residence of a parent or guardian of a pupil attending a state special school, except day pupils, is required to pay the school of attendance 10% of the average cost of education per pupil.~~

~~This bill would make state special schools eligible to apply for and to receive categorical education funds, unless otherwise prohibited by law.~~

~~This bill would require the Superintendent of Public Instruction, commencing with the 2004-05 school year, to cause a School Accountability Report Card to be implemented for each state special school.~~

~~This bill would require the State Department of Education to test pupils in schools of the deaf, using specified tests, in written English and~~

~~reading and in speech and auditory skills, and to utilize an age-equivalent American Sign Language test when it is developed.~~

~~Existing law authorizes the Superintendent of Public Instruction to allow schools for the deaf to establish and maintain training courses for the purpose of preparing credential holders for instructing the hearing impaired.~~

~~This bill would set forth hiring preferences for certificated employees and classified employees based on test scores on the American Sign Language Proficiency Index. The bill would, commencing the 2007-08 school year, require certificated employees to satisfactorily complete the American Sign Language Proficiency Index test every 3 years, except as specified.~~

~~Existing law, the federal Individuals with Disabilities Education Act (IDEA), requires school districts, county offices of education, and special education local plan areas to comply with state laws that conform to the IDEA in order that the state may qualify for federal funds available for the education of individuals with exceptional needs. The IDEA requires that a pupil with exceptional needs be accommodated through the creation and implementation of an individualized education plan.~~

~~This bill, commencing with the 2004-05 school year, would require that a pupil who is deaf but otherwise has no exceptional needs be subject to the Standardized Testing and Reporting Program instead of an alternative testing program, to the extent that doing so conforms with the pupil's individualized education plan.~~

~~This bill would allow the California School for the Deaf to maintain an "open door policy" that allows parents or guardians to visit their child's classroom.~~

~~This bill would create a parent community advisory committee for the California School for the Deaf.~~

~~This bill would require the State Department of Education to conduct a study and report to the Legislature its findings concerning the recruitment of state special school teachers and methods by which state special schools may graduate more pupils, on or before January 1, 2006.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

SECTION 1. *Section 56064 is added to the Education Code, to read:*

56064. (a) *In addition to the requirements in Section 56062, for purposes of hiring a certificated individual to serve as a substitute teacher to instruct deaf pupils, preference shall be given as follows:*

(1) *First, to a candidate who achieves a minimum score of 4 on the American Sign Language Proficiency Index (ASLPI) or an equivalent score on the Sign Communication Proficiency Interview (SCPI) or on an alternate test selected by the American Sign Language evaluation committee of the California School for the Deaf that assesses American Sign Language linguistic competency.*

(2) *Second, to a candidate who achieves a minimum score of 3 on the ASLPI or an equivalent score on the SCPI or on an alternate test, as described in paragraph (1).*

(3) *Third, to a candidate who achieves a minimum score of 2.5 on the ASLPI or an equivalent score on the SCPI or on an alternate test, as described in paragraph (1).*

(b) *A candidate who fails to achieve a score of at least 2.5 on the ASLPI or who fails to achieve an equivalent score on the SCPI or on an alternate test, as described in paragraph (1), may not be hired as a substitute teacher.*

SEC. 2. *Article 5 (commencing with Section 56070) is added to Chapter 1 of Part 30 of the Education Code, to read:*

Article 5. Teachers

56070. *During the 2004–05, 2005–06, and 2006–07 school years, for purposes of hiring an individual as a certificated employee to instruct deaf pupils, preference shall first be given to a candidate who achieves a minimum score of 4 on the American Sign Language Proficiency Index (ASLPI) or an equivalent score on the Sign Communication Proficiency Interview (SCPI) or on an alternate test selected by the American Sign Language evaluation committee of the California School for the Deaf that assesses American Sign Language linguistic competency.*

1 56071. (a) Commencing with the 2004–05 school year, an
2 individual may not be hired as a certificated employee to instruct
3 deaf pupils, unless the individual achieves a minimum score of 2.5
4 on the American Sign Language Proficiency Index (ASLPI) or an
5 equivalent score on the Sign Communication Proficiency
6 Interview (SCPI) or on an alternate test selected by the American
7 Sign Language evaluation committee of the California School for
8 the Deaf that assesses American Sign Language linguistic
9 competency.

10 (b) Commencing with the 2005–06 school year, a certificated
11 individual may not be hired as a certificated employee to instruct
12 deaf pupils, unless the individual achieves a minimum score of 3
13 on the ASLPI or an equivalent score on the SCPI or on an alternate
14 test, as described in subdivision (a).

15 (c) Commencing with the 2006–07 school year, an individual
16 may not be hired as a certificated employee to instruct deaf pupils,
17 unless the individual achieves a minimum score of 3.5 on the
18 ASLPI or an equivalent score on the SCPI or on an alternate test,
19 as described in subdivision (a).

20 (d) Commencing with the 2007–08 school year, an individual
21 may not be hired as a certificated employee to instruct deaf pupils,
22 unless the individual achieves a minimum score of 4 on the ASLPI
23 or an equivalent score on the SCPI or on an alternate test, as
24 described in subdivision (a).

25 (e) The minimum test score requirements specified in
26 subdivisions (a) to (d), inclusive, may be waived by the schoolsite
27 superintendent if he or she certifies that no candidate who meets
28 those requirements has applied to instruct deaf pupils and open
29 positions remain.

30 56072. (a) Commencing with the 2004–05 school year, and
31 every three years thereafter, a certificated employee who instructs
32 deaf pupils and who has not achieved a minimum score of 4 on the
33 American Sign Language Proficiency Index (ASLPI) or an
34 equivalent score on the Sign Communication Proficiency
35 Interview (SCPI) test or on an alternate test selected by the
36 American Sign Language evaluation committee of the California
37 School for the Deaf that assesses American Sign Language
38 linguistic competency, shall retake one of those assessments.

39 (b) A certificated employee who instructs deaf pupils and who
40 does not receive a minimum score of 4 on the ASLPI or an

1 *equivalent score on the SCPI or on an alternate test, as described*
2 *in subdivision (a), may not be subject to discipline based on his or*
3 *her score. The certificated employee shall be encouraged to study*
4 *until that score is achieved.*

5 *(c) Any fee imposed to take the ASLPI, SCPI, or an alternate*
6 *test, as described in subdivision (a), shall be paid by the*
7 *certificated employee. If the certificated employee receives a*
8 *minimum score of 4 on the ASLPI or an equivalent score on the*
9 *SCPI or on the alternate test, the employer shall reimburse the*
10 *certificated employee for that fee.*

11 *SEC. 3.* Section 59001.2 is added to the Education Code, to
12 read:

13 59001.2. The Legislature finds and declares all of the
14 following:

15 (a) It is essential for the well-being and growth of deaf and
16 hard-of-hearing pupils that educational programs recognize the
17 unique nature of deafness and ensure that all deaf and
18 hard-of-hearing pupils have appropriate, ongoing, and fully
19 accessible educational opportunities.

20 (b) It is essential that a deaf or hard-of-hearing pupil obtain an
21 education in which special education teachers, psychologists,
22 speech therapists, assessors, administrators, and other school and
23 residential program personnel understand the unique nature of
24 deafness and are trained to work with a deaf or hard-of-hearing
25 pupil.

26 (c) It is essential that a deaf or hard-of-hearing pupil obtain an
27 education in which his or her special education teachers are
28 proficient in the primary language mode of that pupil.

29 (d) It is essential that a deaf or hard-of-hearing pupil obtain an
30 education in which his or her parents are involved in determining
31 the extent, content, and purpose of programs.

32 (e) It is essential that a deaf or hard-of-hearing pupil, like all
33 pupils, have programs in which his or her unique vocational needs
34 are provided for, including appropriate research, curricula,
35 programs, staff, and outreach.

36 ~~SEC. 2.—~~

37 *(f) Each deaf or hard-of-hearing pupil should receive an*
38 *education that allows him or her to master a primary language.*

39 *SEC. 4.* Section 59001.4 is added to the Education Code, to
40 read:

1 59001.4. It is the intent of the Legislature that programs at the
2 California School for the Deaf provide all of the following:

3 (a) Each pupil should be assured an education appropriate to his
4 or her needs in publicly supported programs through completion
5 of his or her prescribed course of study or until the time that he or
6 she has met proficiency standards.

7 (b) Each pupil should have his or her educational goals,
8 objectives, special education, and related services specified in a
9 written individualized education program.

10 (c) Procedures and materials for assessment and placement of
11 individuals with exceptional needs should be selected and
12 administered so as not to be racially, culturally, or sexually
13 discriminatory. No single assessment instrument should be the
14 sole criterion for determining placement of a pupil. The
15 procedures and materials for assessment and placement should be
16 in the individual's mode of communication of the individual. All
17 assessment materials and procedures should be selected and
18 administered pursuant to Section 56320.

19 (d) Psychological and health services for individuals with
20 exceptional needs should be available to each schoolsite.

21 (e) Continuous evaluation of the effectiveness of these
22 education programs should be made to ensure the highest quality
23 educational offerings.

24 (f) Appropriate qualified staff should be employed, consistent
25 with credentialing requirements, to fulfill the educational
26 responsibilities, and positive efforts are made to employ qualified
27 deaf and hard-of-hearing individuals.

28 (g) Educational and residential program personnel should be
29 adequately prepared to provide educational instruction and
30 services to individuals with exceptional needs in the appropriate
31 communication mode, including American Sign Language.

32 (h) There should be appropriate access to information and
33 training in American Sign Language for parents and pupils to
34 ensure that they are able to appropriately communicate with their
35 families.

36 ~~SEC. 3. Section 59002.5 of the Education Code is amended~~
37 ~~to read:~~

38 ~~59002.5. (a) The Superintendent of Public Instruction, in~~
39 ~~connection with the California School for the Deaf and in~~

~~cooperation with public and private agencies, may do one or more of the following:~~

~~(1) Serve as a demonstration school to promote personnel development through student teaching, in-service education, internships, professional observations for special education and related services personnel, in cooperation with institutions of higher education and local education agencies.~~

~~(2) Serve as a resource center to develop and disseminate special curriculum, media teaching methods, and instructional materials adapted for deaf individuals, achievement tests, and other assessment methods useful to the instruction of deaf individuals.~~

~~(3) Provide counseling and information services for parents, guardians, and families of deaf individuals, and provide public information about deafness to community groups and other agencies.~~

~~(4) Conduct experimental programs and projects to promote improvement in special education for deaf individuals.~~

~~(5) Promote and coordinate community and continuing education opportunities for deaf individuals utilizing existing community resources.~~

~~(b) Commencing with the 2004-05 school year, the Superintendent of Public Instruction shall, by the beginning of each school year, cause to be implemented a School Accountability Report Card for each state school for the deaf. The School Accountability Report Card shall comply with Section 33126.~~

~~SEC. 4. Section 59002.7 is added to the Education Code, to read:~~

~~59002.7. Commencing with the 2004-05 school year, a deaf pupil who has no exceptional needs other than those related to hearing impairment shall be subject to the Standardized Testing and Reporting Program pursuant to Article 4 (commencing with Section 60640) of Chapter 5 of Part 33, as though he or she was not an individual with exceptional needs, only to the extent that this would conform with the individualized education plan of the pupil.~~

~~SEC. 5. Section 59003 of the Education Code is amended to read:~~

1 ~~59003. The State Department of Education in relation to the~~
2 ~~California School for the Deaf shall:~~

3 ~~(a) Prescribe rules for the government of the schools.~~

4 ~~(b) Appoint the superintendents and other officers and~~
5 ~~employees.~~

6 ~~(c) Remove for cause any officer, teacher, or employee.~~

7 ~~(d) Fix the compensation of officers, teachers, and employees.~~

8 ~~(e) Test pupils, if not already tested, using tests that are~~
9 ~~available for use in the Standardized Testing and Reporting~~
10 ~~Program administered pursuant to Article 4 (commencing with~~
11 ~~Section 60640) of Chapter 5 of Part 33 and the High School Exit~~
12 ~~Examination administered pursuant to Section 60851, to the extent~~
13 ~~those assessments are appropriate, in written English and reading,~~
14 ~~and utilize intensive written English and reading curriculum for~~
15 ~~implementation by the 2004-05 school year.~~

16 ~~(f) Subject to the pupil's individualized education plan, test~~
17 ~~pupils, if not already tested, in speech and auditory skills, and~~
18 ~~provide speech and auditory skills curriculum, subject to~~
19 ~~individualized education plans, for implementation by the~~
20 ~~2004-05 school year.~~

21 ~~(g) Utilize an age-appropriate American Sign Language test~~
22 ~~for pupils in the California School for the Deaf to be implemented~~
23 ~~in the 2005-06 school year.~~

24 ~~SEC. 6. Section 59006 of the Education Code is amended to~~
25 ~~read:~~

26 ~~59006. (a) The Superintendent of Public Instruction may~~
27 ~~authorize the California School for the Deaf to establish and~~
28 ~~maintain teacher training courses designed to prepare teachers of~~
29 ~~the public schools and other persons holding a credential issued by~~
30 ~~the State Board of Education as are recommended by the president~~
31 ~~of a campus of the California State University, to give instruction~~
32 ~~to the deaf and the hard of hearing. The Superintendent of Public~~
33 ~~Instruction shall prescribe standards for the admission of persons~~
34 ~~to the courses, and for the content of the courses.~~

35 ~~(b) The California School for the Deaf may enter into~~
36 ~~agreements with the Trustees of the California State University,~~
37 ~~the University of California, or any other university or college~~
38 ~~accredited by the State Board of Education as a teacher training~~
39 ~~educational institution, to provide practice teaching required for~~
40 ~~issuance of the credential authorizing the holder to teach the deaf~~

~~1 and severely hard of hearing. The agreement may provide a
2 reasonable payment, for services rendered, to teachers of the
3 California School for the Deaf who have practice teachers under
4 their direction.~~

~~5 (e) Commencing with the 2004-05 school year, all of the
6 following shall become operative:~~

~~7 (1) For purposes of employing a certificated employee, hiring
8 preference shall first be given to those candidates who achieve a
9 minimum score of four on the American Sign Language
10 Proficiency Index (ASLPI) test, second to those candidates who
11 achieve a minimum score of three on the ASLPI test, and finally
12 to those candidates who achieve a minimum score of two on the
13 ASLPI test. A candidate who scores less than two on the ASLPI
14 test is not eligible for employment.~~

~~15 (2) For purposes of employing a classified employee who will
16 have contact with a pupil in the course of his or her employment,
17 hiring preference shall first be given to those candidates who
18 achieve a minimum score of two on the ASLPI test and second to
19 those candidates who achieve a score of one or below on the
20 ASLPI test.~~

~~21 (3) For purposes of employing a classified employee who will,
22 in the course of his or her employment, spend at least 50 percent
23 of the workday in contact with pupils, hiring preference shall first
24 be given to those candidates who achieve a minimum score of three
25 on the ASLPI test, second to those candidates who achieve a
26 minimum score of two on the ASLPI test, and finally to those
27 candidates who achieve a score of one or below on the ASLPI test.~~

~~28 (4) For purposes of employing a substitute teacher, hiring
29 preference shall first be given to those candidates who achieve a
30 minimum score of four on the ASLPI test, second to those
31 candidates who achieve a minimum score of three on the ASLPI
32 test, and finally to those candidates who achieve a minimum score
33 of two on the ASLPI test. A candidate who scores less than two on
34 the ASLPI test is not eligible for employment.~~

~~35 (d) Commencing in the 2007-08 school year, a certificated
36 employee shall satisfactorily complete the ASLPI test every three
37 years. This requirement does not apply to a certificated employee
38 who achieves a score of four on the ASLPI test and remains
39 continuously employed in a school providing instruction to deaf
40 or hearing-impaired pupils.~~

1 ~~(c) Failure by an employee of the ASLPI test may not result in~~
2 ~~disciplinary action of any kind. If an employee fails the ASLPI~~
3 ~~test, he or she shall take additional American Sign Language~~
4 ~~classes until he or she passes the test with an appropriate score.~~

5 ~~SEC. 7. Section 59015 is added to the Education Code, to~~
6 ~~read:~~

7 ~~59015. (a) A parent community advisory committee shall be~~
8 ~~established at each California School for the Deaf. The committee~~
9 ~~shall be composed of the site superintendent, teachers at the~~
10 ~~school, other school personnel, parents of pupils attending the~~
11 ~~school, and community and business representatives in the~~
12 ~~community. The majority of members of the committee shall be~~
13 ~~parents. Each committee shall adopt bylaws for its operation.~~

14 ~~(b) The role of the committee is to assist the school to bring~~
15 ~~about cooperation and coordination of community resources~~
16 ~~within the area served by the school that may be of value to the deaf~~
17 ~~and hard-of-hearing pupils, their parents, and the school. In~~
18 ~~achieving this purpose, the responsibilities of the committee shall~~
19 ~~be defined in the bylaws and may include, but are not limited to:~~

20 ~~(1) Advising the administration of the school regarding the~~
21 ~~federal Individuals with Disabilities Education Act (20 U.S.C.~~
22 ~~Sec. 1400 et seq.).~~

23 ~~(2) Assisting in parent and family education and in recruiting~~
24 ~~family members and other volunteers to contribute to the school.~~

25 ~~(3) Encouraging public involvement in the school.~~

26 ~~(4) Facilitating communication between the school, parents,~~
27 ~~and the school community.~~

28 ~~(5) Providing support to parents and family members, staff,~~
29 ~~pupils, and the school community for any programs impacting the~~
30 ~~deaf and hard-of-hearing community.~~

31 ~~SEC. 8. Section 59030.5 of the Education Code is amended~~
32 ~~to read:~~

33 ~~59030.5. The Superintendent of Public Instruction shall~~
34 ~~allocate to the California School for the Deaf, an amount not to~~
35 ~~exceed three hundred eighty-nine dollars (\$389) per fiscal year per~~
36 ~~unit of average daily attendance of each deaf pupil attending one~~
37 ~~of the schools as a five-day residential pupil for the purpose of~~
38 ~~providing transportation to and from the pupil's home on~~
39 ~~weekends and school holiday periods. In no case shall the total~~

~~1 apportionment made to the schools exceed the actual total
2 transportation expenditures of the schools.~~

~~3 The administrator of each school shall arrange for
4 transportation of pupils utilizing the most practical means,
5 including, but not limited to, commercial bus, rail, or air, charter
6 bus or private passenger vehicle. The school shall ensure that aides
7 or staff members who are skilled in American Sign Language
8 accompany pupils on schoolbuses used on contract by the school.~~

~~9 SEC. 9. Section 59046 is added to the Education Code, to
10 read:~~

~~11 59046. The California School for the Deaf may maintain an
12 "open door policy" that allows parents or guardians to visit the
13 classroom and view the instruction of their children, with proper
14 notice to administrators.~~

~~15 SEC. 10. Section 59102.5 of the Education Code is amended
16 to read:~~

~~17 59102.5. (a) The Superintendent of Public Instruction, in
18 connection with the California School for the Blind and in
19 cooperation with public and private agencies, may:~~

~~20 (1) Serve as a demonstration school to promote personnel
21 development through student teaching, in-service education,
22 internships, and professional observations for special education
23 and related services personnel, in cooperation with institutions of
24 higher education and local education agencies.~~

~~25 (2) Serve as a resource center to develop and disseminate
26 special curriculum, media, teaching methods and instructional
27 materials adapted for visually impaired, blind, and deaf-blind
28 individuals, achievement tests, and other assessment methods
29 useful to the instruction of visually impaired, blind, and deaf-blind
30 individuals.~~

~~31 (3) Provide counseling and information services to parents,
32 guardians, and families of visually impaired, blind, or deaf-blind
33 individuals, and provide public information about sensory losses
34 to community groups and other agencies.~~

~~35 (4) Conduct experimental programs and projects to promote
36 improvement in special education for visually impaired, blind, and
37 deaf-blind individuals.~~

~~38 (5) Promote community and continuing education
39 opportunities for visually impaired, blind, and deaf-blind
40 individuals utilizing existing community resources.~~

~~(b) Commencing with the 2004-05 school year, the Superintendent of Public Instruction shall, by the beginning of each school year, cause to be implemented a School Accountability Report Card for the California School for the Blind. The School Accountability Report Card shall comply with Section 33126.~~

~~SEC. 11. Section 59300 of the Education Code is amended to read:~~

~~59300. (a) Notwithstanding any provision of this part to the contrary, the district of residence of the parent or guardian of any pupil attending a state-operated school pursuant to this part, excluding day pupils, shall pay the school of attendance for each pupil an amount equal to 10 percent of the excess annual cost of education of pupils attending a state-operated school pursuant to this part. These funds shall be earmarked solely for the state special schools and may not be used for any other purpose by the State Department of Education.~~

~~(b) State special schools are eligible to apply for and receive categorical education funds, unless otherwise prohibited by law.~~

~~SEC. 12. On or before January 1, 2006, the State Department of Education shall conduct a study and report its findings to the Legislature concerning all of the following:~~

~~(a) Methods by which credentialed employees may be attracted to a career in state special schools.~~

~~(b) Methods by which the number of graduates from state special schools may be increased.~~

~~SEC. 5. Section 59009 is added to the Education Code, to read:~~

~~59009. During the 2004-05, 2005-06, and 2006-07 school years, for purposes of hiring a certificated individual to instruct deaf pupils, preference shall first be given to a candidate who achieves a minimum score of 4 on the American Sign Language Proficiency Index (ASLPI) or an equivalent score on the Sign Communication Proficiency Interview (SCPI) or on an alternate test selected by the American Sign Language evaluation committee of the California School for the Deaf that assesses American Sign Language linguistic competency.~~

~~SEC. 6. Section 59010 is added to the Education Code, to read:~~

1 59010. (a) Commencing with the 2004–05 school year, an
2 individual may not be hired as a certificated employee to instruct
3 deaf pupils, unless the individual achieves a minimum score of 2.5
4 on the American Sign Language Proficiency Index (ASLPI) or an
5 equivalent score on the Sign Communication Proficiency
6 Interview (SCPI) or on an alternate test selected by the American
7 Sign Language evaluation committee of the California School for
8 the Deaf that assesses American Sign Language linguistic
9 competency.

10 (b) Commencing with the 2005–06 school year, an individual
11 may not be hired as a certificated employee to instruct deaf pupils,
12 unless the individual achieves a minimum score of 3 on the ASLPI
13 or an equivalent score on the SCPI or on an alternate test, as
14 described in subdivision (a).

15 (c) Commencing with the 2006–07 school year, an individual
16 may not be hired as a certificated employee to instruct deaf pupils,
17 unless the individual achieves a minimum score of 3.5 on the
18 ASLPI or an equivalent score on the SCPI or on an alternate test,
19 as described in subdivision (a).

20 (d) Commencing with the 2007–08 school year, an individual
21 may not be hired as a certificated employee to instruct deaf pupils,
22 unless the individual achieves a minimum score of 4 on the ASLPI
23 or an equivalent score on the SCPI or on an alternate test, as
24 described in subdivision (a).

25 (e) The minimum score requirements specified in subdivisions
26 (a) to (d), inclusive, may be waived by the superintendent of the
27 school if he or she certifies that no candidate who meets those
28 requirements has applied to instruct deaf pupils and open positions
29 remain.

30 SEC. 7. Section 59011 is added to the Education Code, to
31 read:

32 59011. (a) Commencing with the 2004–05 school year, and
33 every three years thereafter, a certificated employee who instructs
34 deaf pupils and who has not achieved a minimum score of 4 on the
35 American Sign Language Proficiency Index (ASLPI) or an
36 equivalent score on the Sign Communication Proficiency
37 Interview (SCPI) or on an alternate test selected by the American
38 Sign Language evaluation committee of the California School for
39 the Deaf that assesses American Sign Language linguistic
40 competency, shall retake one of those assessments.

(b) A certificated employee who instructs deaf pupils and who does not achieve a minimum score of 4 on the ASLPI or an equivalent score on the SCPI or on an alternate test, as described in subdivision (a), may not be subject to discipline. The certificated employee shall be encouraged to study until that score is achieved.

(c) Any fee imposed to take the ASLPI, SCPI, or an alternate test, as described in subdivision (a), shall be paid by the certificated employee. If the certificated employee receives a minimum score of 4 on the ASLPI or an equivalent score on the SCPI or on the alternate test, the California School for the Deaf shall reimburse the certificated employee for that fee.

SEC. 8. Section 59012 is added to the Education Code, to read:

59012. (a) For purposes of hiring an individual to serve as a substitute teacher, preference shall be given as follows:

(1) First, to a candidate who achieves a minimum score of 4 on the American Sign Language Proficiency Index (ASLPI) or an equivalent score on the Sign Communication Proficiency Interview (SCPI) or on an alternate test selected by the American Sign Language evaluation committee of the California School for the Deaf that assesses American Sign Language linguistic competency.

(2) Second, to a candidate who achieves a minimum score of 3 on the ASLPI or an equivalent score on the SCPI or on an alternate test, as described in paragraph (1).

(3) Third, to a candidate who achieves a minimum score of 2.5 on the ASLPI or an equivalent score on the SCPI or on an alternate test, as described in paragraph (1).

(b) A candidate who fails to achieve a score of at least 2.5 on the ASLPI or who fails to achieve an equivalent score on the SCPI or on an alternate test, as described in paragraph (1) may not be hired as a substitute teacher.

SEC. 9. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars

- 1 *(\$1,000,000), reimbursement shall be made from the State*
- 2 *Mandates Claims Fund.*

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